



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 016778/0398

#12
mDJ
3.21.03
RECEIVED

MAR 19 2003

Applicant: Ryuichi KATAYAMA

Title: OPTICAL SYSTEM FOR DETECTING DATA SIGNAL AND TRACKING ERROR SIGNAL Technology Center 2600

Serial No.: 09/442,773

Filed: November 18, 1999

Examiner: Psitos, Aristotelis M.

Art Unit: 2653

REPLY TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action dated February 21, 2003, Applicant hereby elect the Species a), Claims 1, 3-5 and 16, for prosecution in the subject application. Applicant notes that only claims 3-5 are listed under Species a) in the Office Action; however, it is also noted that presently pending claims 1 and 16 were not listed under any of the species in the Office Action. It is believed that claims 1 and 16 are generic to the listed species, and thus claims 1 and 16 should be included with claims 3-5 in Species a). Based on a telephone call between Applicant's representative and SPE W. Korzuch in early March, 2003 (Examiner Psitos was out of the office during that time due to a family emergency), SPE W. Korzuch indicated that claim 1 appears to be generic to each of the species. Since claim 16 basically recites the features of claim 1, but as a sequence of steps, it is submitted that claim 16 is also generic.

Applicant, of course, reserves the right to file a divisional application covering the subject matter of the non-elected claims.

Serial No. 09/442,

Attorney's Packet No. 016778/0398

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

18 March, 2003
Date

Phillip J. Articola
Phillip J. Articola
Registration No. 38,819

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-6162
Facsimile: (202) 672-5399